

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LARRY JONES,)	
Plaintiff,)	
)	2:04cv1413
v.)	Electronic Filing
)	Judge David S. Cercone
WILLIAM S. STICKMAN; ET AL.;)	Magistrate Judge Caiazza
)	In Re: Doc. 16
Defendants.)	

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on September 14, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on October 31, 2005, recommended that the Defendants' Motion to Dismiss Complaint, or in the alternative, for Summary Judgment (Doc. 16) be granted in part and denied in part. Specifically, the Motion should be granted as to Defendants Stickman, Holmes and Yowlinsky and denied as to Defendants Kulp, Johnson, Yohouse and Winters. The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail and on the Defendants. No objections have been filed. After de novo review of the pleadings and documents in the case, together with the Report and

Recommendation and the objections thereto, the following order is entered:

AND NOW, this 19th day of December, 2005,

IT IS ORDERED that Defendants' Motion to Dismiss Complaint, or in the alternative, for Summary Judgment (Doc. 16) be, and the same hereby is, granted in part and denied in part. The Motion is granted as to Defendants Stickman, Holmes and Yowlinsky. The motion is denied as to Defendants Kulp, Johnson, Yohouse and Winters.

IT IS FURTHER ORDERED that Judgment is entered in favor of Defendants Stickman, Holmes and Yowlinsky and against the Plaintiff.

The Report and Recommendation of Magistrate Judge Caiazza, dated October 31, 20005, is adopted as the opinion of the court.

S/ David Stewart Cercone
David Stewart Cercone
U.S. District Court Judge

cc: Honorable Francis X. Caiazza
U.S. Magistrate Judge

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